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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,989	10/13/2004	Bruno Bret	935.44285X00	2221

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EXAMINER

GIBSON, KESHIA L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-510-989

EXAMINER

ART UNIT

PAPER

20060822

DATE MAILED:

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Commissioner for Patents

Responsive to the communications submitted 6/15/06:

1. Newly submitted claims 21-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original claims (Claims 6-10, filed 10/13/04) are directed toward a substrate comprising cellulose and a antimicrobial agent while the newly presented Claims 21-31 are directed toward a method of manufacturing a product having antimicrobial activity. Had the claims been presented originally, they would have been restricted as product and process of making. The product can be made by a materially different method, such as mixing cellulosic fibers with other fibers having antimicrobial activity prior to formation of a substrate. Thus, the claims would require different classification and a different search.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on 6/15/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are directed toward a non-elected invention: a method for manufacturing a finished product having antimicrobial activity.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

kg 8/22/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER